

REMARKS

Claims 1-7 and 9-11 are presented for consideration, with Claim 1 being independent.

Independent Claim 1 has been amended to further distinguish Applicants' invention from the cited art. In addition, Claim 8 has been cancelled.

Claims 1-3 and 9-11 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Bessho '521. Claims 1-3 and 8 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Jerman '579. Additionally, Claims 4-7 are rejected under 35 U.S.C. §103 as allegedly being obvious over Jerman in view of Shaw '866. These rejections are respectfully traversed.

Claim 1 of Applicants' invention relates to a microstructure comprising a support substrate, a movable plate and an elastic support portion having a first section with at least one concave portion and second sections having no concave portions. The second sections are arranged at both longitudinal ends of the first section and connect with the movable plate and the support substrate, respectively. As amended, a cross section of the concave portion in a vertical direction to a torsion axis has a substantially V-shape. The movable plate is supported by the elastic support portion so that it can be freely torsion-vibrated to the support substrate about the torsion axis.

In accordance with Applicants' claimed invention, a high performance microstructure can be provided.

The patent to Bessho relates to an optical scanner that includes a torsion spring 5 stretched between sides of the frame 1, and a magnet 3. With reference to Figure 31, the spring

includes spring portions 54d and 54e, fixing ends 54a and 54b and a magnetic holding portion 54c. In contrast to Applicants' claimed invention, however, Bessho does not teach or suggest a concave portion of the torsion spring having a substantially V-shaped cross section as recited in Claim 1. Therefore, reconsideration and withdrawal of the rejection of Claims 1-3 and 9-11 is respectfully requested.

The German patent relates to a semiconductor transducer that shows, with respect to Figure 6, a support substrate 81, and a bending member 82. The Office Action reads the bending member as including a movable plate (beam member 83) and an elastic support portion (corrugations 88). Without conceding this reading of art, it is submitted that German still fails to teach or suggest, among other features, a first section of the elastic support portion having a concave portion and a cross section in a vertical direction to a torsion axis with a substantially V-shape. It is also submitted that the corrugations would not support the beam member 83 so it can be freely torsion-vibrated to the support substrate about the torsion axis. In German, the corrugations allow for increased travel per unit of applied force (see column 10, lines 53-55).

Accordingly, reconsideration and withdrawal of the rejection of Claims 1-3 and 8 under 35 U.S.C. §102(b) is respectfully requested.

The secondary citation to Shaw relates to a microstructure and was cited for its teaching of a single crystal material. Shaw fails, however, to compensate for the deficiencies in German as discussed above with respect to independent Claim 1. Therefore, without conceding the propriety of combining German and Shaw in the manner proposed in the Office Action, such a

combination still fails to teach or suggest Applicants' invention. Therefore, reconsideration and withdrawal of the rejection of Claims 4-7 under 35 U.S.C. §103 is respectfully requested.

Accordingly, it is submitted that Applicants' invention as set forth in independent Claim 1 is patentable over the cited art. Dependent Claims 2-7 and 9-11 set forth additional features of Applicants' invention. Independent consideration of the dependent claims is respectfully requested.

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of disclosure under 37 C.F.R. §1.56 and in accordance with the practice under 37 C.F.R. §§1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO-1449. Copies of the listed foreign documents are also enclosed. For the Examiner's information, U.S. Patent No. 6,863,832 relates to WO 01/07869.

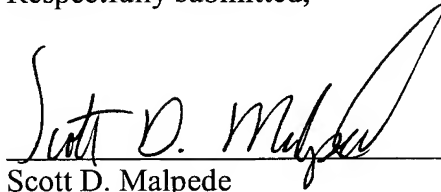
It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

CONCLUSION

Due consideration and prompt passage to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott D. Malpede", is written over a horizontal line.

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